



NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT

APPLICATION TO OBTAIN LIGHT STATION PROPERTY

I. GENERAL INFORMATION

The National Historic Lighthouse Preservation Act of 2000 (NHLPA)(16 U.S.C. § 470w-7) (Exhibit 1), an amendment to the National Historic Preservation Act of 1966, provides a mechanism for the disposal of historic lighthouses and light stations. NHLPA recognizes the cultural, recreational, and educational value of these historic resources by allowing lighthouse properties to be transferred at no cost to Federal agencies, state and local governments, nonprofit corporations, educational agencies, or community development organizations. The eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions.

Eligible entities are defined as any department or agency of the Federal government, any department or agency of the State in which the station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that agrees to comply with conditions set forth (16 U.S.C. § 470w-7) and recorded and to have such conditions with the deed of title, and is financially able to maintain the historic light station with those conditions.

The NHLPA involves several Federal agencies that play different roles in transferring surplus historic light stations to new owners. Federal agencies disposing of light stations are directed by the law to use the NHLPA in place of existing programs under the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 471 et seq. Most transfers will come from the U.S. Coast Guard, which administers the majority of United States lighthouses. The U.S. Coast Guard (USCG) or other light station-owning agency identifies and reports excess light stations to the General Services Administration (GSA), providing adequate advanced notice time for prospective applicant agencies and groups to plan and organize preservation efforts. The National Park Service (NPS) of the Department of the Interior, acting on behalf of the Secretary of the Interior (Secretary), provides applications to interested parties, reviews and evaluates applicants, and recommends a single suitable no-cost approved

applicant to GSA. The GSA issues a Notice of Availability to interested parties, conducts environmental reviews in compliance with the National Environmental Policy Act and the Coastal Zone Management Act as applicable, and develops and executes conveyance documents. In the event that no applicant is approved to receive the light station, GSA may sell the property in accordance with procedures outlined in the NHLPA. (16 U.S.C. § 470w-8)

II. INSTRUCTIONS TO APPLICANTS

There is no printed application form, rather this document provides guidance for preparing applications. An eligible entity must submit five copies of the completed application, which will be judged on the merits of its preservation and use plan, and financial and management plan. *Joint applications may be submitted as long as the roles and responsibilities of each party are clearly defined, and there is one lead entity that is designated to become the grantee should the application be approved and forwarded to the Administrator of GSA for conveyance.*

The NPS is charged with reviewing proposals from applicants and selecting a single approved application for transmittal to the Administrator of GSA who will convey the property. This application and its acceptance by the Secretary shall constitute the entire agreement between the Applicant and the Government, regarding the application for the conveyance of a historic light station for education, park, recreation, cultural, or historic preservation purposes. The property must be used solely and continuously for the purposes stated in the application, and cannot be sold, leased, rented, mortgaged, encumbered, conveyed, assigned, exchanged, or disposed of without the prior written consent of the NPS for the Secretary.

APPLICATION FORMAT: The application should be concise, printed in a font size not smaller than 11 point, and must conform to the sequence of information shown below. **Submit ONE (1) original and FIVE (5) copies** each of sections a, b, and c; only one (1) original of section d is necessary.

Application materials sent by mail (U.S. Postal Service) must be addressed to:
National Park Service
National Maritime Initiative (2280)
1849 C Street N.W. Room NC400
Washington, DC 20240
Attention: National Historic Lighthouse Program

Application materials sent by courier service (UPS, FedEx, etc.) must be addressed to:

National Park Service
National Maritime Initiative (2280)
800 North Capitol Street N.W. Suite 400

Washington, DC 20002
Attention: National Historic Lighthouse Program

- a. **TITLE PAGE:** Identify lighthouse/station, applicant organization(s) and type, authorized representative(s) and title, telephone number(s) , e-mail address, and postal address(es).
- b. **EXECUTIVE SUMMARY:** Provide a general statement that summarizes in one page the overall goals of this project, describing the intended use and future plans. Include a statement of why the applicant(s) should be the recipient of the property.
- c. **APPLICATION CRITERIA:** Narrative section describing the strategy to meet each element cited below. Point values assigned to each category are listed in section III.
 1. **Property Description/Baseline Data:** *Provide a physical description of the property being requested, including key geographic features (topography, vegetative cover, water bodies, natural features).* This should include a map or site plan, a set of exterior and interior photographs, and a copy of the National Register of Historic Places nomination form or Determination of Eligibility. Identify cultural, and natural property features, including historic structures, buildings, and general landscape. Discuss the historical value of this particular property (i.e. integrity of workmanship, materials, character, role, and setting). Indicate where the principal access roads will be located to and within the property, as well as public parking areas, if applicable. Describe the relationship of the property to the surrounding uses and adjacent properties.
 2. **Preservation and Maintenance Plan:** *Provide plans for the repair, rehabilitation, restoration, preservation, and maintenance of the historic light station property in graphic and narrative form.* The impact of modern utilities, handicap accessibility, or other modifications should be highlighted. For archeological areas, describe security and maintenance to stabilize the site, control vegetal growth, or avoid damage. Describe site work, including parking, underground utility lines, landscaping, recreational facilities, etc. List the increments and time schedules for phased work and the estimated cost of each increment. Detailed plans and specifications are not expected, but it must be clear that the applicant has fully recognized areas of historic significance and will plan proposed work to minimize the impact on these significant areas. Describe preservation and maintenance planning experience at this and other similar sites managed by your team. Higher priority will be given to proposals that best demonstrate comprehensive planning for the long-

term preservation of the historic features of the property and competency in developing treatment plans. Attention to detail counts.

3. **Use Plan:** *Describe in detail the planned utilization and exhibition of the light station.* Differentiate between public-use activities and revenue-producing activities. Identify any portions of the property to which public access will be denied or restricted. Establish the suitability of the property for the proposed uses and the compatibility of the proposed revenue producing activities with the historical and/or architectural character of the property. Describe any similar work performed at this or any other similar project. Higher priority will be given to proposals that will reach large public audiences; raise funds in ways compatible to the character of the property; provide adequate revenue for preservation, operation, and education; and provide for safe, enjoyable, educational, park, recreational, cultural, or historic preservation uses of the property.
4. **Financial Plan:** *Demonstrate the financial ability to acquire, develop, maintain, and operate the property for the proposed use.* The financial plan should include an analysis of current assets and cash flow, and if applicable discuss past financial record and include the most recent audited financial statements. **Identify projected income** from all sources, including income from fundraising, specific grants, cash and in-kind matching funds with specific dollar amounts. **Identify projected expenses** for repair, rehabilitation, recurring maintenance, insurance, and administration and operation. Include budget summaries for five years, describing the restoration and on-going maintenance costs needed to bring the property to optimal condition and to maintain it in that condition. Identify any capital already invested in the operation and maintenance, preservation, or educational use at this or any other historic site. Higher priority will be given to proposals that demonstrate reasonable, well-founded estimates of the financial needs to accomplish the organization's plans and its capabilities to meet those needs. Secondary priority considerations will include past financial support of this and similar sites.
5. **Management Plan:** *Provide a management plan that includes organizational structure, stewardship history and capability, corporate by-laws and administrative procedures.* Identify corporate officers by name and title, and number of existing members. For non-profit corporations, describe succession plan. Identify members that have had any operational, maintenance, education, park, recreation, cultural, or historic preservation experience at this or any other similar site. The relationship with supporting agencies, municipalities, or other organizations must be described. Municipal applicants are required to provide local government resolutions and/or charter statements

supporting the intent of the application. Non profit corporations must provide evidence of qualifying non-profit 501(3) status. Provide a copy of any insurance binder or certificate for the property. Higher priority will be given to those organizations that demonstrate a strong capability and history of successful preservation management. Other considerations include demonstration of successful management of educational, conservation, and recreational programs and projects; and the success of past, present, and planned partnerships between the applicant and other government or non-profit organizations.

- d. **ENVIRONMENTAL ANALYSIS OF PROBABLE IMPACTS:**
The National Environmental Policy Act of 1969 (NEPA) (P.L.91-190) requires an analysis of the probable environmental effects of the proposed project. The applicant shall provide information responsive to the environmental questionnaire attached herein as **Exhibit 2**. The information should be bound separately and accompany the application identified as **Exhibit 2**. The Applicant must furnish sufficient information to demonstrate that it has considered all environmental impacts cited in **Exhibit 2**. Processing of applications will be deferred pending receipt of such information, since required assessment of the environmental impact of any particular project cannot be initiated without prior submission of such data by the applicant. Applicants are cautioned that conformance with these procedures shall not obviate the need for compliance with applicable State and local environmental use and review requirements. The GSA will examine the information and determine whether the analysis is acceptable. In the event that preparation of further documentation is necessary, the applicant may be requested to furnish additional materials to the GSA in order to prepare an Environmental Assessment or Environmental Impact Statement.

III. EVALUATION

Successful applicants will be those best able to demonstrate their ability to restore and maintain these historic sites and make them available for education, park, recreation, cultural or historic purposes for the general public.

- a. **SCORING**
The following point assignments will be made for each category:

Title Page (section II:a) --no points
Executive Summary (section II:b)--no points
Property Description (section II:c:1)--no points
Preservation and Maintenance Plan (section II:c:2)--25 points
Use Plan (section II:c:3)--25 points
Financial Plan (section II:c:4)--25 points
Management Plan (section II:c:5) --25 points

Environmental Analysis (section II:d)--Go/No-Go from GSA

b. **REVIEWING PANEL**

The Pilot Project NPS review panels for all applications will convene in Washington, DC, on the same day (see "Pilot Program Calendar –Key Dates for Applicants"). The review panel shall consist of: at least one representative from the Historic Surplus Property Program and one representative from the Federal Lands to Parks Program appointed by National Park Service Regional Directors for each region with a light station to be conveyed through this process; and one representative from another National Park Service region or office. Each State Historic Preservation Officer from each state in which a light station in the Pilot Project is located will be invited to appoint a representative as technical advisor to the panel. In the event that the state itself is applying for that light station, the representative of the State Historic Preservation Officer may not participate in that property decision. The successful applications will be signed by the Director of the National Park Service. In the event of an appeal of the decision made by the Regional Director's review panel, that appeal shall be made to the Department of the Interior Assistant Secretary for Fish, Wildlife and Parks.

IV. TERMS AND CONDITIONS UPON CONVEYANCE

The applicant(s) understand(s) and agree(s) that the application is made, and the conveyance of the property shall be accomplished by an instrument, or instruments, in a form satisfactory to the Administrator of the GSA without warranty, express or implied, and shall contain substantially, but may not be limited to, the following reservations, restrictions, and conditions, which may be enforced through a reversionary right in the property reserved to the United States of America. In accordance with 16 U.S.C. § 470w-7 (b)(3)(A), the Administrator will be issuing the quitclaim deed on behalf of the United States.

HISTORIC PRESERVATION and OTHER USES.

The eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws. Proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii) and the Secretary of Interior's Standards for Rehabilitation, 36 CFR part 67.7. (See Exhibit 2)

The eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof or any associated historic artifact conveyed to the eligible entity in conjunction with the

historic light station conveyance, including but not limited to any lens or lanterns, **unless** such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary of the Interior prior to its execution.

The eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary of the Interior.

The conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the GSA Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if:

1. the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the application
2. the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation
3. the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with the NHLPA, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws
4. the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary
5. the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary
6. or at least 30 days before the reversion, the Administrator of GSA provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

See 16 U.S.C. § 470w-7(c)(3).

COMPLIANCE.

The Government and any representative it may so delegate, shall have the right of entry upon the premises at any time to conduct periodic inspection to ensure compliance with the terms and conditions of the conveyance. The failure of any agency of the United States to exercise any right, term, covenant, condition or remedy granted under either this instrument or a deed of conveyance from the United States for a historic light station shall not be deemed to be a waiver of the same or any other term, covenant, condition, right or remedy. No term, covenant, condition, right or remedy shall be deemed to have been waived by the United States unless such waiver is in writing executed by a duly authorized representative of the United States.

The approved applicant shall, within three months of the date of the recording of the instrument of conveyance, erect and forever maintain a conspicuous sign or signs near the principal point or points of access to the property that states: "The United States of America donated this land to the *name of approved applicant* for _____ use through the National Historic Lighthouse Preservation Act."

Beginning two years from the date of conveyance, the approved applicant shall prepare biennial reports describing the development and use of the property, and any revenue generated from its operation during the preceding two-year period. The approved applicant shall prepare and submit consecutive biennial reports to the appropriate National Park Service office.

INSURANCE.

Buildings, structures, or improvements located upon the property shall be insured by the approved applicant to protect the residual financial interest of the United States of America. The applicant agrees, for itself, its successors and assigns, that any conveyed improvements will be insured against loss, damage or destruction and if such loss, damage or destruction should occur, said insurance and all moneys shall be held in trust by the approved applicant for the purpose of repairing such improvements and restoring the same to their former condition and use. A certificate of insurance shall be available for review prior to conveyance of the property. The amount of the insurance shall be the replacement value of the property.

FEDERAL AIDS TO NAVIGATION.

The United States will continue to own, operate and maintain, and have the right to install, remove, relocate, or replace, any "Federal aid to navigation," upon any property conveyed under the NHLPA. A Federal aid to navigation is defined as any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

The USCG is the Federal agency responsible for operating and maintaining any Federal aid to navigation located upon the property. The eligible entity to which the property is conveyed shall not interfere, or allow interference in any manner, with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the USCG.

In those instances in which a Federal aid to navigation remains upon the property conveyed, the United States has the right to reserve:

1. Easements for the operation and maintenance of such aid to navigation, including but not limited to, an easement for the arc of visibility if a lighted aid to navigation or an easement to produce sound if a fog horn or other sound based aid to navigation;
2. Unrestricted easements for access upon, through, over, and across the property at any time, including but not limited to, the right of ingress and egress in, to, and through the interior of the lighthouse structure; and
3. Easements for utility, power, and communication lines.

The United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with 16 U.S.C. § 470w-7(c) to the extent that it is not possible to provide advance notice.

The United States shall retain a reversionary interest (*i.e.*, title to the property conveyed would revert to the United States) and may exercise said interest in the event the property or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation.

GENERAL TERMS AND CONDITIONS.

If an application for the conveyance of a historic light station is approved, then, the Property will be conveyed without consideration via a quitclaim deed “AS IS” and “WHERE IS” without representation, warranty, or guaranty as to quantity, quality, character, condition, size or kind, or that the property is in condition or fit to be used for the purpose intended. No claim for any adjustment upon such grounds will be considered after this application has been accepted.

The description of the property set forth herein is believed to be correct, but any error or omission shall not constitute ground or reason for nonperformance of the agreement resulting from the acceptance of this application.

This application and its acceptance shall constitute the entire agreement between the Applicant and the United States of America, unless modified and approved in writing by both parties. This agreement becomes binding once the quitclaim deed for the

property is executed or delivered by the United States.

The approved applicant shall save, hold harmless, defend, and indemnify the United States, its employees, agents, and representatives from any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that arises from the approved applicant's or the approved applicant's employee's, agent's, or representative's use or occupancy of the property and/or the approved applicant's failure to comply with the terms and conditions of the conveyance.

The approved applicant shall pay all taxes imposed on this transaction and shall obtain at its own expense and affix to all instruments of conveyance and security documents such revenue and documentary stamps as may be required by Federal and local law. All instruments of conveyance and security documents shall be recorded at the Applicant's expense within 30 days of their receipt in the manner prescribed by local recording statutes.

The approved applicant shall provide the General Services Administration with a certified copy of the instrument of conveyance within 30 days of the date of recordation which indicates the date, location, and book and page number of its recording.

The approved applicant further covenants and agrees for itself, its successors, and assigns, to comply with the provisions of the Federal Disaster Protection Act of 1973 (87 Stat. 975); Executive Order 11988, relating to the evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution; and Executive Order 11990, relating to the protection of wetlands, where and to the extent said Act and Orders are applicable to the property herein conveyed, and the approved applicant shall be subject to any use restrictions issued under said Act and Orders.

The approved applicant further covenants and agrees for itself, its successors and assigns, to comply with all Federal laws relating to nondiscrimination in connection with any use, operation, program, or activity on or related to the property requested in this application, including, but not limited to:

All requirements imposed by or pursuant to the regulations of the U.S. Department of the Interior (43 C.F.R. Part 17);

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d-1), which prohibits discrimination on the basis of race, color, or national origin;

The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age;

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap;

The Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151), which requires facilities located on the property to be accessible to the physically handicapped; and

The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), which requires that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

REVERSION.

Title to the property transferred shall revert to the United States of America at its option for non-compliance with any of the terms and conditions of the conveyance. In the event that there is a breach of any of the conditions and covenants herein contained by the approved applicant, its successors and assigns, whether caused by legal or other inability of the approved applicant, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title, and interest in and to the said premises shall revert to and become the property of the United States at its option. The United States, in addition to all other remedies for such breach, shall have the right of entry upon said premises, and the approved applicant, its successor and assigns, shall forfeit all right, title, and interest in said premises and in any and all of the tenements, hereditaments, and appurtenances thereunto belonging.

The approved applicant, by its acceptance of the deed, covenants and agrees for itself, and its successors and assigns, that in the event the United States exercises its power to terminate the approved applicant's estate in the property then the approved applicant shall provide protection to and maintenance of said property at all times until such time as the title is actually reverted, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the GSA in its Federal Property Management Regulations in effect at the time of the reversion. Prior to any such reversion, the approved applicant further agrees to complete and submit to the United States an environmental assessment of the property that sufficiently documents and evaluates its condition in regard to the release of hazardous substances as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. § 9601(14))].

V. RESOLUTION/CERTIFICATION OF AUTHORITY TO ACQUIRE PROPERTY.

The applicant must submit a certified copy of a resolution, certificate of authority, or

similar public document executed by its governing body, that states its desire and ability to acquire surplus Federal property, and designates the person legally authorized to apply for the property. A sample format is attached for your convenience (**Exhibit 3**). The NPS will complete the “Acceptance by the United States of America” if the application is approved. This page should be separated from the application packet and attached to the end of your completed application. The resolution or certification to acquire property must contain the following:

1. A statement that the application is being made for acquisition of the property under the provisions of the National Historic Lighthouse Preservation Act (16 U.S.C. § 470w-7) and procedures promulgated thereunder.
2. Identification of the name, location, acreage, and General Services Administration Control Number, if applicable, of the property requested.
3. An authorization to acquire the property exclusively for education, park, recreation, cultural or historic preservation purposes for the general public.
4. A certification that the applicant is authorized, willing, and able to assume liability and responsibility for the development, maintenance, and operation of the property.
5. A designation by title of a specific official to act as the authorized representative in all matters pertaining to the transfer of the property.
6. A certification that the applicant is willing and authorized to pay the administrative expenses incident to the transfer.

EXHIBIT 1

National Historic Lighthouse Preservation Act of 2000

Public Law 106-355
106th Congress

An Act

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program. <<NOTE: Oct. 24, 2000 - [H.R. 4613]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: National Historic Lighthouse Preservation Act of 2000.>>

SECTION 1. SHORT TITLE. <<NOTE: 16 USC 470 note.>>

This Act may be cited as the ``National Historic Lighthouse Preservation Act of 2000''.

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS. <<NOTE: 16 USC 470w-7.>>

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6) is amended by adding at the end the following new section:

``SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

``(a) In General.--In order to provide a national historic light station program, the Secretary shall--

``(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

``(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

``(3) sponsor or conduct research and study into the history of light stations;

``(4) maintain a listing of historic light stations; and

``(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

``(b) Conveyance of Historic Light Stations.--

``(1) <<NOTE: Deadline.>> Process and policy.--Not later than 1 year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible

entity.

((2) Application review.--The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity,

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the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

((3) Conveyance of historic light stations.--(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).

((B) (i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

((ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

((iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

((iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

((c) Terms of Conveyance.--

((1) In general.--The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that--

((A) the Federal aids to navigation located at the

historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

((B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

((C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

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((D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

((E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

((F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

((G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

``(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

``(2) Maintenance of aid to navigation.--Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.

``(3) Reversion.--In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if--

``(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for

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education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

``(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

``(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

``(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

``(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

``(F) <<NOTE: Notification.>> at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

``(d) Description of Property.--

``(1) In general.--The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

``(2) Artifacts.--Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

``(3) Covenants.--All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

``(4) Submerged lands.--No submerged lands shall be conveyed under this section.

``(e) Definitions.--For purposes of this section:

``(1) Administrator.--The term 'Administrator' shall mean the Administrator of General Services.

``(2) Historic light station.--The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers,

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walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.

``(3) Eligible entity.--The term 'eligible entity' shall mean:

``(A) any department or agency of the Federal Government; or

``(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that--

``(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and

``(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).

``(4) Federal aid to navigation.--The term 'Federal aid to navigation' shall mean any device, operated and maintained by

the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

``(5) Secretary.--The term `Secretary' means the Secretary of the Interior.''.

SEC. 3. SALE OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6), as amended by section 2 of this Act, is amended by adding at the end the following new section:

``SEC. 309. <<NOTE: 16 USC 470w-8.>> HISTORIC LIGHT STATION SALES.

``(a) In General.--In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

``(b) Net Sale Proceeds.--Net sale proceeds from the disposal of a historic light station--

``(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) within the Department of the Interior; and

``(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining

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under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.''.

SEC. 4. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY--H.R. 4613 (S. 2343):

HOUSE REPORTS: No. 106-890 (Comm. on Resources).

SENATE REPORTS: No. 106-380 accompanying S. 2343 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 5, considered and passed Senate.

<all>

EXHIBIT 2

Environmental Questionnaire

Provide a narrative explanation of the probable environmental effects of the proposed program of use and preservation occurring in each of the following 12 areas of importance. The environment should be considered as the area that the proposed project would both impact and serve. The greatest detail should concern the probable environmental impact of the project on the particular property and its surrounding community, both in the short and long term. This section should broadly and briefly discuss the geography of the area, wildlife, water and air quality, area population, and potential users of the service to be provided, the economy of the area, and any current environmental concerns.

1. Please describe the specific property that will be directly affected in terms of its current use and proposed use. If the land is in a natural state, please provide a brief description with respect to plant and animal life.
2. Describe the surrounding area. Is it primarily residential, industrial, agricultural, etc.? Is the property in a rural, urban, or suburban area? Has the area been formally zoned for specific uses? Please provide a map of the immediate area covering approximately one square mile.
3. If the proposed action is in a floodplain or affects a floodplain, please list all pertinent restrictions (with citations) on land use under Federal, State, and local laws and regulations, and any actions applicant proposes to mitigate foreseeable adverse effects.
4. Will the proposed action directly or indirectly affect a wetland? Please list any pertinent Federal, State, and local wetland regulations and any actions applicant proposes to mitigate foreseeable adverse effects.
5. Will the proposed action have a direct or indirect effect on any Federally or State-listed endangered species? If so, please describe any impacts as well as any actions applicant proposes in order to mitigate foreseeable adverse effects.
6. Is it reasonably foreseeable that the proposed activity will have a direct or indirect effect on natural resources, land uses, or water uses in the coastal zone? If so, describe how the applicant will comply with the State's enforceable and mandatory coastal zone policies. Please describe any impacts as well as any actions applicant proposes in order to mitigate foreseeable adverse effects.
7. Approximately how many visitors will be introduced to the area on a daily basis during operations? Approximately how many vehicles will be introduced into the area on a daily basis as a result of the operation of the facility? Will there be any

identifiable increased traffic in the surrounding area as result of the proposed use of the property?

8. How much water will the applicant use on the property in a normal day? What system will provide the water (name and address of system)? How much sewage will the applicant generate on a daily basis? Will the sewage be handled by a sewage treatment facility? If so, please provide the name and address of the system.
9. Will the proposed use of the property likely result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to those materials? If so, please describe these proposed activities.
10. Will the proposed use of the property destroy or decrease access to any known or potential archeological sites? If so, please describe any impacts as well as any actions applicant proposes in order to mitigate foreseeable adverse effects.
11. Will the proposed use of the property violate or require a variance from any Federal, Tribal, state or local laws pertaining to the visual environment, odors, public health, and noise? If so, please describe any impacts as well as any actions applicant proposes in order to mitigate foreseeable adverse effects.
12. Will the proposed use of the property violate or require a variance from any Federal, tribal, State or local laws pertaining to land, air or water pollution or land use? If so, please describe any impacts as well as any actions applicant proposes in order to mitigate foreseeable adverse effects.

Also included should be the name of the preparer; qualifications of the preparer and contact information including mailing address, telephone number, fax number and email.

EXHIBIT 3

Sample Resolution/Certification of Authority to Acquire Property

Whereas, certain real property owned by the United States of America, located in the (City/Town/Township/Village) of (name of city/town/township/village), County of (name of county), State of (name of state), has been declared surplus at the discretion of the General Services Administration, and the National Historic Lighthouse Preservation Act (16 U.S.C. § 470w-7) and policies promulgated pursuant thereto, more particularly described as follows:

(name of the surplus Federal property)

(acreage of the total property being requested under this application, if the precise acreage is not known, please provide an estimate)

(General Services Administration Control Number for the property, if applicable, otherwise, leave blank)

Whereas, (name of applicant) needs and will use said property in perpetuity for the purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

Now, Therefore, Be It Resolved, that (name of applicant) shall make application to the Department of Interior for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the Department of Interior and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

Be It Further Resolved that (name of applicant) has legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that (name and title of official) is hereby authorized, for and on behalf of the (name of applicant) to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with the acquisition of said property.

(name and address of applicant)

I, (name of certifying official), hereby certify that I am the (title of certifying official), of the

(name of applicant); and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said (name of applicant), present at meeting of said body on the _____ day of _____, _____, at which a quorum was present.

(Signature)

Acceptance by the United States of America

The foregoing application is hereby approved and accepted by and on behalf of the Secretary of the Interior for the United States of America this _____ day of _____, _____.

(Signature)

(Title)

(Office)

National Park Service
U.S. Department of the Interior

APPENDIX A

Availability of Referenced Publications

The various publications referenced in the application guidelines are available from the following organizations:

Publication:	Available from:	
Secretary of the Interior's Standards for Rehabilitation (36CFR67.7) Secretary of the Interior's Standards for Treatment of Historic Properties (36CFR68)	National Park Service Technical Preservation Services 1849 C Street NW Room NC200 Washington, DC20240	Phone: (202) 343-9583 Fax: (202) 343-3291 E-mail: hps-info@nps.gov
National Register of Historic Properties Nominations	NRHP 1849 C Street NW Room NC400 Washington, DC2024	Phone: (202)343-9536 Fax: (202) 343-1244 E-mail: nr_info@nps.gov
Code of Federal Regulations	Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954	Toll-Free: 1-888-293-6498 Fax: (202) 512-1262 E-Mail: gpoaccess@gpo.gov

APPENDIX B

Contact List

PROPERTY:	GSA POINT OF CONTACT:	NPS POINT OF CONTACT:
Little River Light Station Cutler, ME	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Rondout Creek Light Kingston, NY	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Esopus Meadows Light Esopus, NY	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Cheboygan River Range Cheboygan, MI	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Sturgeon Point Light Tower Harrisville, MI	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Munsing Front & Rear Range Lights Munsing, MI	Saundra Robbins (617) 565-5710 saundra.robbins@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Tybee Lighthouse Complex Tybee Island, GA	LeRay McBay (404) 331-2482 leray.mcbay@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
St. Augustine Lighthouse St. Augustine, FL	LeRay McBay (404) 331-2482 leray.mcbay@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov
Currituck Beach Lighttower Corolla, NC	Susan Webb (404) 331-9610 susan.webb@gsa.gov	Kevin J. Foster (202) 343-5969 kevin_foster@nps.gov